

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOSE TRUJILLO,

Plaintiff,

v.

VEJAR'S, INC. dba VEJAR'S MEXICAN  
RESTAURANT & COCKTAIL  
LOUNGE; MARKETABLE URBAN  
INVESTMENTS, LLC,

Defendant.

No. 1:21-cv-01467-ADA-SKO

ORDER GRANTING THE PARTIES'  
STIPULATION TO DISMISS THIS CASE

(ECF No. 34)

On February 22, 2022, the parties filed a joint stipulation to dismiss this action pursuant to Federal Rule of Civil Procedure 41(a).<sup>1</sup> (ECF No. 34.) The Parties stipulate and request that the Court dismiss this action with prejudice and “retain over this matter for the limited purpose of adjudicating any subsequent motion Plaintiff may bring to recover his attorneys’ fees and costs.” (*Id.*) To the extent Plaintiff’s counsel will seek to recover attorneys’ fees and costs associated with the services rendered in this action, the parties have agreed that any such motion will be filed

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<sup>1</sup> In their stipulation, the parties invokes Rule 41(a)(2), which provides for actions to be dismissed “only by court order, on terms that the court considers proper.” Fed. R. Civ. Proc 41(a)(2). The Court notes that the Parties’ stipulation appears to be “a stipulation of dismissal signed by all parties who have appeared” and therefore could be dismissed under Rule 41(a)(1) without entry of a court order. Fed. R. Civ. P. 41(a)(1)(ii). Nevertheless, the Court will address the parties’ stipulation in this Order.

1 within 60 days of the date the Court issues this Order. (*Id.*)

2 Good cause appearing and as agreed to by the parties, the court approves the parties'  
3 stipulation and orders as follows:

- 4 1. The parties' stipulation to dismiss this action (ECF No. 34) is granted;
- 5 2. This action is dismissed with prejudice;
- 6 3. All pending deadlines and hearing dates in this action are vacated;
- 7 4. The Court retains jurisdiction to adjudicate any subsequent motion by Plaintiff to  
8 recover attorneys' fees and costs. Any such motion shall be filed with 60 days of  
9 this Order.
- 10 5. The Clerk of the Court is directed to close this case.

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13 IT IS SO ORDERED.

14 Dated: March 7, 2023

  
UNITED STATES DISTRICT JUDGE